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<b>USPTO - Examiner David Bochna</b> <b>Group No. 3679</b>	<b>571-273-8300</b>	<b>571-272-7078</b>

FROM: **Jacquelyn Campbell - 2279**RE: **U.S. Patent Application No. 10/753672**  
**Assembly for Joining Metallic Pipes Provided With Inner Plastic Liner**  
**Jose Miguel Cabezas**

CLIENT/MATTER NO.: 018579.0082US1	NUMBER OF PAGES, INCLUDING COVER: <b>2LP</b>
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**TRANSMITTAL  
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Total Number of Pages in This Submission

25

Application Number

10/753,672

Filing Date

January 7, 2004

First Named Inventor

Jose Miguel Cabezas

Art Unit

3679

Examiner Name

David Bochna

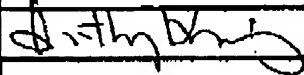
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018579.0082US1

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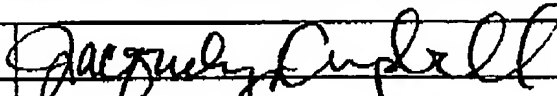
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Rutan & Tucker, LLP		
Signature			
Printed name	Anthony King		
Date	Aug 08, 2005	Reg No	49063

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Signature			
Typed or printed name	Jacquelyn Campbell	Date	08/08/2005

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

EXAMINER: David Bochna

APPELLANT: Jose Miguel Cabezas

SERIAL NO. 10/753,672

FILED: January 07, 2004

FOR: Assembly for Joining Metallic Pipes Provided With Inner Plastic Liner

ART UNIT 3679

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Attention: Board of Patent Appeals and Interferences

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- I. Real Party In Interest
- II. Related Appeals And Interferences
- III. Status Of Claims
- IV. Status Of Amendments
- V. Summary Of Claimed Subject Matter
- VI. Issues
- VII. Grouping of Claims
- VIII. Claims Appendix

Application No 10/753,672  
Attorney Docket No. 018579 0082US1

1

**I. Real Party In Interest**

The real party in interest is Jose Miguel Cabezas.

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There are 11 claims in this case. The claims on appeal are 1-7.

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**VI. ISSUES**

Whether claims 1-5 should have been rejected as being anticipated by Enger et al. (U.S. Patent No. 5,573,282).

Whether claims 1-7 should have been rejected as being anticipated by Campbell (U.S. Patent No. 6,543,811).

**VII. GROUPING OF CLAIMS**

Claims 1-7 stand or fall together.

**VIII. Argument**

First ground of rejection: Anticipation by Enger. Claims 1-5 are argued together.

**The applicant's position is that Enger fails to disclose an *internal flange recess that comprises a textured surface***

Independent claim 1, and all claims depending therefrom, expressly recites, "wherein the internal flange recess comprises a textured surface at least partially surrounding the bore." Enger fails to disclose this claim element (Arguments dated January 21, 2005, to Office Action, page 5, third full paragraph).

**The examiner considers all surfaces to be "textured"**

In the Office Action dated October 21, 2004, the examiner stated that "all surfaces inherently have some texture to them" (paragraph 3), and in the the Office Action dated March 31, 2005, the examiner restated the same thing (paragraph 2). Thus, the examiner considers all surfaces to be textured. Based on that assumption, the examiner apparently considers the element of an *internal flange recess that comprises a textured surface* to be inherent in the Enger disclosure.

**The examiner considers the dictionary definition of "textured" to be relevant**

In the final Office Action dated March 31, 2005, the examiner compared a dictionary definition to the applicant's claim in order to refute the applicant's arguments (Final Office Action, page 5, second full paragraph).

**In this case, the dictionary definition of "textured" is irrelevant because the term is defined in the specification**

If a meaning for a claim term is provided in the specification, the claims should be interpreted using that meaning (“When the applicant states the meaning that the claim terms are intended to have, the claims are examined with that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art.” *In re Zletz*, 893 F.2d 319, 321). Here, the applicant very clearly states a meaning for the term “textured surface” – “A ‘textured surface’, as the term is used herein, is a surface formed with gaps or other features adapted to engage a surface of a plastic flange in order to form a better seal with, and/or to better retain the plastic flange.” (page 10, forth full paragraph).

**Based on the definition of “textured” in the specification, all surfaces are not “textured”**

Using the definition in the specification, the term *textured surface* is defined to mean “a surface formed with gaps or other features adapted to engage a surface of a plastic flange in order to form a better seal with, and/or to better retain the plastic flange.” In order to make it abundantly clear that the applicant intends the term *textured surface* to include the structure of a surface adapted to engage another surface, the applicant has added that specific language to claim 1. Thus, claim 1 not only recites “an internal flange recess that comprises a textured surface”, but it also recites “such that the surface is adapted to engage another surface”. Surely, not every surface is adapted to engage another surface to form a better seal. “Better” is a relative term. If a “better” seal were to be formed, not just any surface would do. What is required is a surface that is adapted to engage another surface. In addition, the figures of the specification clearly show that some surfaces are textured and some are not – at least according to the definition of “textured” in the specification.

The applicant would further like to point out that the examiner’s position that *all surfaces are inherently textured* is inconsistent with the tenet of claim construction that every claim element is a limitation. Thus the applicant’s meaning of *textured surface* must be more narrow than one that includes *all surfaces*.

**Therefore, Enger does not disclose an internal flange recess that comprises a textured surface**

Based on the meaning of "textured surface" within the specification, its use in the figures, and its use as a limitation in the claims, Egner cannot be said to disclose an internal flange recess comprising a textured surface.

**Second ground of rejection: Anticipation by Campbell. Claims 1-7 are argued together.**

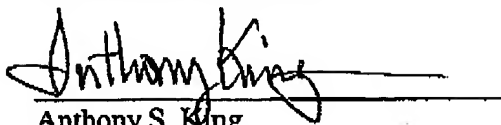
**Campbell fails as an anticipatory reference for the same reasons that Egner fails**

For the same reasons as discussed above with reference to Egner, Campbell also fails to disclose an internal flange recess that comprises a textured surface. The distinction between the surface in Campbell and the surface recited in claim 1 is elucidated by the claim language that adds the limitation: "such that the surface is adapted to engage another surface". Again, the examiner can argue that all surfaces are textured, but, even if that were true, not all surfaces are textured to the degree that the surface is adapted to engage another surface. On top of that, the definition of *textured* in the specification warrants that the surface be adapted to engage another surface to form a better seal. When the full definition of *textured* is applied to claim 1, Campbell also fails as an anticipatory reference.

**Conclusion Of Argument**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (MPEP § 2131). Neither Enger nor Campbell can be said to disclose every element of claim 1. The applicant, therefore, respectfully requests that the rejection of all the claims based on Enger or Campbell be withdrawn.

Respectfully submitted,



Anthony S. King  
Reg. No. 49,063  
Attorney for Appellant

Dated: August 1, 2005

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**IX. Claims Appendix**

1. A pipe flange apparatus comprising a first pipe flange having a frontal face surrounding a central bore passing through the flange, the face comprising an internal flange recess extending into the flange and surrounding the bore, and a groove extending into the flange and surrounding the internal flange recess, wherein the internal flange recess comprises a textured surface at least partially surrounding the bore such that the textured surface is adapted to engage another surface.
2. The apparatus of claim 1 wherein the groove is substantially circular and the internal flange recess is disk shaped, and the diameter of the groove is greater than the diameter of the internal flange recess.
3. The apparatus of claim 2 wherein the flange comprises a plurality of boreholes extending through the flange and positioned radially around the groove.
4. The apparatus of claim 3 wherein the groove has a depth less than that of the internal flange recess.
5. The apparatus of claim 1 further comprising:  
an internal flange having first and second portions surrounding a bore extending through the internal flange, wherein the first portion is positioned at least partially within the internal flange recess of the first pipe flange and in contact with the textured surface of the first pipe flange and the second portion extends into the bore; and  
a first sealing ring positioned at least partially within the groove surrounding the internal flange recess.
6. The apparatus of claim 5 wherein the first portion of the internal flange is sized and positioned such that it substantially fills all of the internal flange recess but does extend radially outward from the internal flange recess.
7. The apparatus of claim 6 wherein the flange is coupled to a lined pipe having a central liner that is separate from the internal flange, and wherein the central liner extends into

the central bore of the first pipe flange such that the central liner and the second portion of the internal flange line the central bore of the first pipe flange.

**AUG 08 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**EXAMINER:** David Bochna  
**APPELLANT:** Jose Miguel Cabezas  
**SERIAL NO.** 10/753,672  
**FILED:** January 07, 2004  
**FOR:** Assembly for Joining Metallic Pipes Provided With Inner Plastic Liner  
**ART UNIT** 3679

MS Appeal Brief – Patents  
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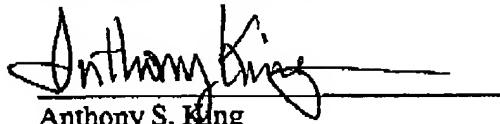
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Attorney Docket No. 018579.0082US1

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In the final Office Action dated March 31, 2005, the examiner compared a dictionary definition to the applicant's claim in order to refute the applicant's arguments (Final Office Action, page 5, second full paragraph).

**In this case, the dictionary definition of "textured" is irrelevant because the term is defined in the specification**

If a meaning for a claim term is provided in the specification, the claims should be interpreted using that meaning ("When the applicant states the meaning that the claim terms are intended to have, the claims are examined with that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art." *In re Zletz*, 893 F.2d 319, 321). Here, the applicant very clearly states a meaning for the term "textured surface" – "A 'textured surface', as the term is used herein, is a surface formed with gaps or other features adapted to engage a surface of a plastic flange in order to form a better seal with, and/or to better retain the plastic flange." (page 10, forth full paragraph).

**Based on the definition of "textured" in the specification, all surfaces are not "textured"**

Using the definition in the specification, the term *textured surface* is defined to mean "a surface formed with gaps or other features adapted to engage a surface of a plastic flange in order to form a better seal with, and/or to better retain the plastic flange." In order to make it abundantly clear that the applicant intends the term *textured surface* to include the structure of a surface adapted to engage another surface, the applicant has added that specific language to claim 1. Thus, claim 1 not only recites "an internal flange recess that comprises a textured surface", but it also recites "such that the surface is adapted to engage another surface". Surely, not every surface is adapted to engage another surface to form a better seal. "Better" is a relative term. If a "better" seal were to be formed, not just any surface would do. What is required is a surface that is adapted to engage another surface. In addition, the figures of the specification clearly show that some surfaces are textured and some are not – at least according to the definition of "textured" in the specification.

The applicant would further like to point out that the examiner's position that *all surfaces are inherently textured* is inconsistent with the tenet of claim construction that every claim element is a limitation. Thus the applicant's meaning of *textured surface* must be more narrow than one that includes *all surfaces*.

**Therefore, Enger does not disclose an internal flange recess that comprises a textured surface**

Based on the meaning of "textured surface" within the specification, its use in the figures, and its use as a limitation in the claims, Egner cannot be said to disclose an internal flange recess comprising a textured surface.

**Second ground of rejection: Anticipation by Campbell. Claims 1-7 are argued together.**

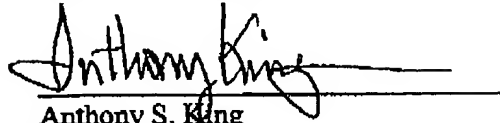
**Campbell fails as an anticipatory reference for the same reasons that Egner fails**

For the same reasons as discussed above with reference to Egner, Campbell also fails to disclose an internal flange recess that comprises a textured surface. The distinction between the surface in Campbell and the surface recited in claim 1 is elucidated by the claim language that adds the limitation: "such that the surface is adapted to engage another surface". Again, the examiner can argue that all surfaces are textured, but, even if that were true, not all surfaces are textured to the degree that the surface is adapted to engage another surface. On top of that, the definition of *textured* in the specification warrants that the surface be adapted to engage another surface to form a better seal. When the full definition of *textured* is applied to claim 1, Campbell also fails as an anticipatory reference.

**Conclusion Of Argument**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (MPEP § 2131). Neither Egner nor Campbell can be said to disclose every element of claim 1. The applicant, therefore, respectfully requests that the rejection of all the claims based on Egner or Campbell be withdrawn.

Respectfully submitted,



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**IX. Claims Appendix**

1. A pipe flange apparatus comprising a first pipe flange having a frontal face surrounding a central bore passing through the flange, the face comprising an internal flange recess extending into the flange and surrounding the bore, and a groove extending into the flange and surrounding the internal flange recess, wherein the internal flange recess comprises a textured surface at least partially surrounding the bore such that the textured surface is adapted to engage another surface.
2. The apparatus of claim 1 wherein the groove is substantially circular and the internal flange recess is disk shaped, and the diameter of the groove is greater than the diameter of the internal flange recess.
3. The apparatus of claim 2 wherein the flange comprises a plurality of boreholes extending through the flange and positioned radially around the groove.
4. The apparatus of claim 3 wherein the groove has a depth less than that of the internal flange recess.
5. The apparatus of claim 1 further comprising:  
an internal flange having first and second portions surrounding a bore extending through the internal flange, wherein the first portion is positioned at least partially within the internal flange recess of the first pipe flange and in contact with the textured surface of the first pipe flange and the second portion extends into the bore; and  
a first sealing ring positioned at least partially within the groove surrounding the internal flange recess.
6. The apparatus of claim 5 wherein the first portion of the internal flange is sized and positioned such that it substantially fills all of the internal flange recess but does extend radially outward from the internal flange recess.
7. The apparatus of claim 6 wherein the flange is coupled to a lined pipe having a central liner that is separate from the internal flange, and wherein the central liner extends into

the central bore of the first pipe flange such that the central liner and the second portion of the internal flange line the central bore of the first pipe flange.